IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 15126 of 2007(A)

PETITIONER:

A. SATHYANATHAN,
FOREST RANGE OFFICER, PERUVANNAMUZHY RANGE,
KOZHIKODE FOREST DIVISION, KOZHIKODE.

BY ADV. SRI.N.SUGATHAN,
SMT.VARSHA BHASKAR.

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   FOREST & WILDLIFE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE DEPARTMENTAL PROMOTION COMMITTEE**
   (HIGHER), REPRESENTED BY THE CONVENOR AND
   SECRETARY TO GOVERNMENT, FOREST & WILDLIFE
   DEPARTMENT, THIRUVANANTHAPURAM.

3. **THE CHIEF CONSERVATOR OF FORESTS**
   (ADMINISTRATION), FOREST HEADQUARTERS,
   VAZHUTHACAUD, THIRUVANANTHAPURAM.

4. **THE PRINCIPAL SECRETARY TO GOVERNMENT,**
   HOME & VIGILANCE DEPARTMENT, SECRETARIAT,
   THIRUVANANTHAPURAM.

5. **THE DEPUTY SUPERINTENDENT OF POLICE,**
   VIGILANCE & ANTI-CORRUPTION BUREAU, IDUKKI.

BY GOVT. PLEADER SRI. P. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.15126/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE PROCEEDINGS NO. E1-21648/04 DTD. 12/01/2006.

EXT.P.1.A: EXTRACT OF THE STATE-WISE SENIORITY LIST OF FOREST RANGERS AS ON 01/01/2006.

EXT.P.2: COPY OF THE G.O. (RT). NO. 168/06/F&WLD DTD. 28/03/2006.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 06/06/2006 TO THE R.3.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.15126 of 2007-A

JUDGMENT

The petitioner is a Forest Range Officer working in the Forest Department under the Government of Kerala. He claims promotion to the post of Assistant Conservator of Forests. The prayers in the writ petition are the following:

> "(i) to issue a writ of mandamus or any other appropriate writ or order directing respondents 1 to 3 to consider the claim of the petitioner for inclusion in the select list of Forest Range Officers for appointment by transfer to the post of Asst. Conservator of Forests for the year 2006 and to assign him rank on the basis of his seniority in Ext.P1(a) list and to grant him all consequential benefits;
>
> (ii) to issue a writ of mandamus or any other appropriate writ or order, directing respondents 1 to 3 to promote and post the petitioner as Asst. Conservator of Forests before any of his juniors in Ext.P1(a) seniority list of Forest Rangers is promoted to that post."

2. The petitioner cannot stake his claim for inclusion in the list for the year 2006 for the post of Assistant Conservator of Forests, as admittedly only his seniors were included in it. But, the petitioner submits, the D.P.C which met on 9.5.2007, to prepare a new list of eligible officers for promotion during the year 2007 did not

consider his claim, for the reason of non-clearance from the Vigilance Department. He submits, he is not involved in any Vigilance Case. It is a case of mistaken identity. Therefore, he prays, the D.P.C may be directed to consider his claim for inclusion in the said list.

3. The learned Government Pleader, upon instructions, submitted that the Vigilance has cleared the name of the petitioner, stating that no case is pending against him. This submission is recorded. If the 2nd respondent did not consider the claim of the petitioner for the reason of the alleged vigilance case against him, then the said respondent shall review that decision and pass appropriate orders. Further, the D.P.C list has not, so far, been notified. While notifying the list, if the petitioner is omitted to be included, he can work out his remedy against the same.

The writ petition is disposed of as above.

K. BALAKRISHNAN NAIR,JUDGE.

27th July, 2007.
nm.